

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Customer Number: 31824
Kirsty SAWICKA : Confirmation Number: 9256
Application No.: 10/539,094 : Group Art Unit: 4173
Filed: December 19, 2005 : Examiner: Paul W. Dickinson
For: MEDICINAL COMPOSITIONS :
COMPRISING A CORE AND A :
FILM BASED ON MODIFIED :
CELLULOSE DERIVATIVES :
:

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Noting the Office Action of January 8, 2008 wherein restriction has been required, the response to which having been extended for four months to Monday, June 9, 2008, Applicant hereby elects the following species for prosecution in the above-identified application:

In response to the First Election Requirement of Two, Applicant elects the species wherein the core is an emulsion (claims 1 to 7 and 13 to 18).

In response to the Second Election Requirement of Two, Applicant elects the species in which the non-expanded material comprises a plasticizer which is a glycol (claims 1 to 18).

"When making a lack of unity of invention requirement, the examiner must (1) list the different groups of claims and (2) explain why each group lacks unity with each other group (*i.e.*, why there is no single general inventive concept) specifically describing the unique special

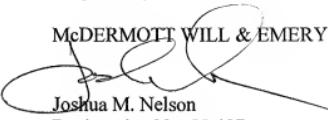
technical feature in each group." MPEP 1893.03(d). The Office Action has not explained "why there is no single general inventive concept," between the identified species, inasmuch as all of the Examiner-asserted species depend from independent, generic claim 1. Accordingly, all of the species include the single general inventive concept of claim 1. As the Office Action has not demonstrated that generic claim 1 and dependent claims 2 to 18 do not contain the single general inventive concept, therefore, the Office Action has established no basis for alleging a lack of unity of invention. The Election of Species requirement is therefore improper and should be withdrawn, and Applicant respectfully submits that claims 1 to 18 should be examined.

Applicant further submits that claims 1 to 4, 14, 15 and 18 are generic to all the claimed species. It is understood that, upon allowance of a generic claim, any claims to additional species will be considered if the claims either depend from the generic claim or contain all of the limitations of the allowed generic claim.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 502203 and please credit any excess fees to such deposit account.

Respectfully submitted,

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**Please recognize our Customer No. 31824
as our correspondence address.**